

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIM NO. 3:09-CR-272
:
v. : (Chief Judge Conner)
:
MARK A. CIAVARELLA, JR. : (Electronically Filed)

**NOTICE OF INTENTION TO NOT PURSUE RETRIAL ON
VACATED COUNTS OF CONVICTION**

On January 8, 2018, this Court issued a Memorandum and Order granting in part and denying in part relief pursuant to Title 28, United States Code, Section 2255, the convictions at Count 1, Count 2, and Count 21 were vacated. Docs. 362, 363. The Court denied the defendant's request for relief on other counts of conviction.

The Third Circuit Court of Appeals affirmed this Court's decision in full, and the United States Supreme Court has denied the defendant's petition for writ of certiorari. This matter is currently pending before this Court for retrial on the vacated counts of conviction.

In light of the convictions that remain, the United States has elected to not pursue retrial on the vacated counts of conviction.

Respectfully submitted,

DAVID J. FREED
United States Attorney

Dated: January 24, 2020

/s/ Michael A. Consiglio
By: Michael A. Consiglio
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers. That this January 24, 2020, he served a copy of the attached

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by electronic mail to the email address listed below:

ADDRESSEE:

Craig Kauzlarich, Esquire
cek@abomkutulakis.com

January 24, 2020

/s/ Michael A. Consiglio
By: Michael A. Consiglio
Assistant U.S. Attorney